

ORDINANCE NO. 10-06

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION AND FEES", ARTICLE II. LOCAL BUSINESS TAX, AND IN PARTICULAR REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF TAX BY BUSINESS CLASSIFICATION", TO IMPLEMENT A NEW FEE SCHEDULE FOR AMUSEMENT MACHINES, AMUSEMENT CENTERS AND BINGO PARLORS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to implement a new fee schedule for amusement machines, amusement centers, and bingo parlors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation and Fees", Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 86

TAXATION AND FEES

* * *

ARTICLE II. LOCAL BUSINESS TAX

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Sec. 86-43. Schedule of tax by business classification.

The amount of business tax that shall be paid by the different classifications of businesses shall be as set forth in the following schedule opposite each classification; such tax shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the North American Industrial Classification System (NAICS). Regulatory requirements for specific business activities are listed in the schedule as well as the tax.

Industry	Description and Regulation	Tax
	* * *	
SECTOR 71	ARTS, ENTERTAINMENT, AND RECREATION	
	* * *	
	Exception:	
	* * *	
Subsector 713	Amusement and Recreation Industries	
	All businesses in this Subsector	100.00
	Exceptions:	
	713120. Amusement Arcades. Type I and tType II amusement machines* (per location, maximum of 4 type II machines as per article III of chapter 18):	<u>50.00</u>
	713120A. Business owner operating amusement type I (arcade) machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	150.00 -
	713120B. Business owner operating type II amusement machine, for each machine at each location, written notification of property owner required if business owner and property owner not the same*	600.00
	713120C. Amusement center machines--other than bingo halls. Tax on each individual machine is based on whether the machine is a type I or type II amusement machine*	
	For first 50 <u>100</u> machines, whether Type I or Type II*	<u>750.00</u> ⁺
	Type I	150.00
	Type II First 4 machines only	600.00
	5 to 50 Type II machines	150.00
	All machines in excess of 50 up to and including 75, whether Type I or Type II	40.00
	All <u>Each individual</u> machines in excess of 76 <u>100</u> , whether Type I or Type II	25.00 <u>50.00</u>
	713120D. Amusement center machines--bingo halls for adults only.*	

	For first 50 <u>100</u> machines, whether Type I or Type II*	750.00 ⁺
	Type I	-150.00
	Type II— First 4 machines only	-600.00
	5 to 50 Type II machines	-150.00
	All machines in excess of 50 up to and including 75, whether Type I or Type II	-40.00
	All <u>Each individual</u> machines in excess of 76 <u>100</u> , whether Type I or Type II	25.00 <u>50.00</u>
	⁺ <u>This tax is effective for fiscal year 2009-2010. The tax will increase 25% for each of the next four fiscal years as follows:</u> <u>October 1, 2011</u> <u>\$1,000.00</u> <u>October 1, 2012</u> <u>\$1,250.00</u> <u>October 1, 2013</u> <u>\$1,500.00</u> <u>October 1, 2014</u> <u>\$1,750.00</u>	
	*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	***If business tax receipt is current and paid for the fiscal year.	

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 26th day of January, 2010.

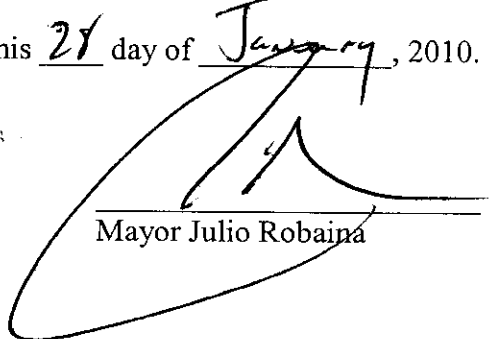
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

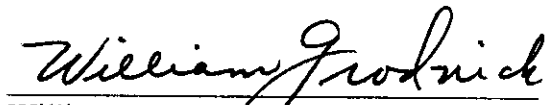
Attest:

Approved on this 21 day of January, 2010.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Yedra voting "Yes", Councilmember Hernandez absent.